

Chapter 832-X-1 ADMINISTRATION AND PROCEDURE

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832-X-1-.01 Definitions. As used by the Alabama Security Regulatory Board, the following words and phrases shall have the following meanings respectively.

- (1) References to Statute. Unless otherwise indicated, any reference to any statute shall be a reference to the Code of Alabama 1975, as amended.
- (2) Act. Act 2009-640, codified as Code of Alabama 1975, §34-27C
- (3) Applicant. Any business or person that has applied to the Board for licensure or certification.
- (4) Conviction. The entry of a plea of guilty or a guilty verdict rendered by any court of competent jurisdiction.
- (5) Moral turpitude. For the purposes of the Act, this term shall mean any; sexual offense, controlled substance offense, or any offense involving theft, theft of services, extortion, receiving stolen property, identity theft, forgery, negotiating worthless negotiable instruments, fraud, tampering with records, bribery, perjury, or any similar offense in any jurisdiction.
- (6) Under Contract. For the purposes of §34-27C-1(9), this term shall mean the performance of any regulated service or activity for wages. Nothing in this definition or any other section of the Act shall be interpreted to create or require an employment contract between any person and any Contract Security Company.

- (7) Undefined words or terms. Words or terms not otherwise explicitly defined by statute or rules adopted by the Board shall have the usual, customary and reasonable meaning of the word or term as commonly interpreted in general business communications.

Author: Alabama Security Regulatory Board

Statutory Authority: Code of Ala. 1975, §34-27C-3(a)(1)

History: Adopted August 19, 2010

832-X-1-.02 General rules.

- (1) Description of organization; Method of operation; Public requests for information and submissions.
 - (a) The Alabama Security Regulatory Board is organized as prescribed in Act 2009-640 as codified in Code of Ala. 1975, §34-27C, and is vested with the authority to carry out the provisions of the Act.
 - (b) The Board meets at such times as shall be necessary to conduct the affairs of the Board. Meetings of the Board shall comply with the provisions of the Alabama Open Meetings Act.
 - (c) The public may request information from or make submission to the Board by contacting the Administrative Office of the Board in writing at Alabama Security Regulatory Board, 610 S. McDonough St., Montgomery, AL 36104.
- (2) Current information required by the Board.
 - (a) Every Contract Security Company, every person licensed or certified by the Board, and every applicant shall keep the Board advised of a proper and current mailing address by reporting any change of address in writing to the Board.
- (3) Payments to the Board
 - (a) Direct payments to the Board shall be made by certified or cashier's check, money order, or a business check issued by a currently licensed Contract Security Company as payer, to the Alabama Security Regulatory Board as payee.
 - (b) Online payments shall be made by credit or debit card.
 - (c) Any dishonored payment shall be grounds for denial of licensure or certification or immediate suspension of an

existing license or certification of any individual submitting a dishonored payment to the Board, of any Contract Security Company issuing a dishonored business check to the Board, or both.

1. Dishonored checks shall be assessed the maximum bad check charge permissible under §8-8-15.
 2. Charges for any other dishonored payment type shall be assessed a charge equivalent to the fee charged to the Board plus any additional fees required to raise the total assessed charge to equal the maximum bad check charge permissible under §8-8-15.
 3. Any person or business issuing any dishonored payment to the Board shall make full payment of the amount of the dishonored payment and any charges assessed by the Board prior to any further action by the Board on any matter related to the dishonored payment.
 4. The Board may refuse to accept any additional payments by business check from any person or entity that submits more than one dishonored payment to the Board.
- (4) Fraudulent information submitted to the Board.
 - (a) All information, verifications, certifications, records, data or material submitted to the Board shall be factually truthful.
 - (b) Submission of any information, verification, certification, record, data, or material to the Board that is materially false shall be grounds for denial of a license or certification, revocation of an existing license or certification, and may be referred for criminal prosecution at the discretion of the Board.
- (5) Acceptable terms similar to Security officer
 - (a) For the purposes of §34-27C-12, the terms 'Security Guard', 'Security Enforcement Officer', 'Security Protection Officer', and 'Custom Protection Officer' shall be acceptable terms similar to 'Security Officer'.

Author: Alabama Security Regulatory Board

Statutory Authority: Code of Ala. 1975, §34-27C-3(a)(1)

History: Adopted August 19, 2010

832-X-1-.03 Procedures.

- (1) The Alabama Administrative Procedures Act.
 - (a) The Alabama Administrative Procedures Act shall be the procedural code for the operations of the Board.
 - (b) Any rule adopted by the Board is intended, and shall be construed, to be substantively and procedurally in compliance with the provisions of the Alabama Administrative Procedures Act.
- (2) Severability.
 - (a) If any rule of the Board, or any part thereof, is construed by any court to be invalid for any reason it is the intention of the Board that each rule, or portion thereof, are severable and that any remaining rules, and any parts thereof, shall continue in full force and effect.
- (3) Declaratory rulings.
 - (a) A petition for a declaratory ruling from the Board shall be submitted to the Board as provided for in, and following the procedures of, the Alabama Administrative Procedures Act
 - (b) The Board shall not issue a declaratory ruling if a petition for a declaratory ruling is not submitted in compliance with the Alabama Administrative Procedures Act; if the Board lacks jurisdiction; if there is a lack of clarity of the issue presented; or if no clear answer is determinable.
- (4) Civil actions.
 - (a) The Board may institute a civil action for an injunction with penalties and costs against any business or person alleged to be in violation of the Act or rules of the Board by a majority vote of the Board.
- (5) Method of delivery of notice of Board actions.
 - (a) Notice of Board actions shall be delivered by first class mail, postage prepaid, to be effective upon deposit of the notice in the mail.

Author: Alabama Security Regulatory Board

Statutory Authority: Code of Ala. 1975, §34-27C-3(a)(1)

History: Adopted August 19, 2010

832-X-1-.04 Applications; licensure and certification.

- (1) General licensure or certification.

- (a) Any person or entity covered by the Act shall apply to, receive from, and maintain a license or appropriate certification from the Board.
 - (b) Unless otherwise provided for, an applicant for a license or certification shall cease to provide regulated services in the State immediately upon receipt of notice that licensure or certification has been denied by the Board.
 - (c) No personal license or certification shall be issued prior to the Board receiving the applicant's criminal background information.
- (2) Any business or person who voluntarily submits to regulation by the Board shall comply with the same requirements as a business or person mandated to be regulated by the Board.
- (a) A business or person who voluntarily submits to regulation by the Board shall notify the Board of their intent by submitting the appropriate application to the Board accompanied by a separate document declaring an irrevocable intent to be regulated by the Board.
- (3) Temporary license or certification.
- (a) Applicants for a license or certification with the Board shall retain a certified copy of the completed application as submitted to the Board as a temporary license or certification until a license or certification is issued or denied by the Board.
1. An applicant for a Company License shall post and display a temporary license at all times in all business offices of the applicant within the State until a license is issued or denied by the Board.
2. An applicant for personal license or certification shall carry their temporary license or certification on their person at all times they are performing any regulated service or activity in the State until a license or certification is issued or denied by the Board.
- (4) Applications for a Contract Security Company license.
- (a) Any Contract Security Company not providing regulated services or activities in the State of Alabama on the date that the Board begins accepting applications shall apply to the Board prior to providing regulated services or activities in the State.

- (b) Any Contract Security Company providing regulated services or activities in the State of Alabama on the date that the Board begins accepting applications shall apply to the Board on or before the 30th calendar day after the Board begins accepting applications.
- (c) Any application for a Contract Security Company license received at the offices of the Board after the applicable date specified in (a) or (b) of this sub-section shall be assessed to a non-refundable late fee of \$500.00.
 - 1. The late fee must be paid in full before the Board can issue a Contract Security Company license.
- (5) Applications for a personal license.
 - (a) An individual's personal license application must be received at the offices of the Board on or before the 30th calendar day the applicant performs any regulated service or activity in any calendar year.
 - (b) Any application for a personal license received at the offices of the Board after the 30th calendar day the applicant performs any regulated service or activity in any calendar year shall be assessed a non-refundable late fee of \$100.00.
 - 1. The late fee must be paid in full before the Board can issue a personal license or certification.
- (6) Applications for Certification as a Qualifying Agent or Certified Trainer.
 - (a) Applications for certification as a Qualifying Agent or Certified Trainer must be received at the offices of the Board prior to the applicant performing any regulated service or activity.
 - (b) Any application for a certification received at the offices of the Board after the applicant performs any regulated service or activity shall be assessed a non-refundable late fee of \$100.00.
 - 1. The late fee must be paid in full before the Board can issue a personal certification.
- (7) Denial, suspension, or revocation of a license or certification; appeals.
 - (a) Denial

1. Issue or renewal of a license or certification may be denied by the administrative staff of the Board following rules adopted by the Board.

2. Issue or renewal of a license or certification may be denied by the Board by a majority vote of the Board.

(b) Suspension

1. A license or certification may be suspended by the Board by a majority vote of the Board.

2. A vote by the Board to suspend a license or certification pending a revocation hearing shall be considered an emergency suspension as a danger to public safety under §41-22-19(d) and shall be effective immediately upon notice from the Board.

(c) Revocation.

1. A license or certification may be revoked by the Board by a majority vote of the Board.

(d) Appeals.

1. An appeal of a denial, suspension or revocation of a license or certification by the Board shall be considered a contested case as defined by, and for the purposes of, the Alabama Administrative Procedures Act.

(8) Grounds for denial of a license or certification.

(a) The following shall be grounds for denial of a license or certification.

1. Failure to meet any requirement established by law or by rule adopted by the Board.

2. Engaging in fraud, misrepresentation, deception, or concealment of a material fact in applying for, receiving, or maintaining a license or certification with the Board.

3. Having a disqualifying conviction as defined by the Board.

4. Failure to pay all fees required by the Board.

5. Making any payment to the Board that is dishonored.

6. Having a comparable license or certification denied, revoked, suspended in any other jurisdiction.

7. Having a formal disciplinary action pending in any jurisdiction before any regulatory authority that is comparable in purpose to the Board.
 8. Any other reason as determined by the Board that a Contract Security Company or person is unsuitable for licensure or certification by the Board.
 9. Any other reason authorized by law.
- (9) Grounds for denial of a license or certification renewal.
- (a) The following shall be grounds for denial of a license or certification renewal.
1. Any grounds for denial of a license or certification.
 2. Failure to comply with any refresher training requirements.
 3. Having a disciplinary action pending before the Board.
 4. Having a suspended or revoked license or certification.
- (10) Grounds for suspension of a license or certification.
- (a) The following shall be grounds for suspension of a license or certification.
1. Grounds as specified in §34-27C-5(a).
 2. Failure to pay any fine assessed by the Board within 15 calendar days of final notice of the assessment.
 3. Engaging in fraud, misrepresentation, deception, or concealment of a material fact when submitting any information, verification, certification, data, record or material required by the Board.
 4. Having a similar license or certification suspended or revoked in any other jurisdiction.
 5. When there is probable cause to believe that a licensed Contract Security Company or a person with a current license or certification from the Board has violated the Act or any rule adopted by the Board pending a revocation hearing.
- (11) Grounds for revocation of a license or certification.
- (a) The following shall be grounds for revocation of a license or certification.

1. Grounds as specified in §34-27C-5(a).
2. Being convicted of any disqualifying conviction after receiving a license or certification from the Board.
3. Having a similar license or certification revoked in any other jurisdiction.
4. When it is determined by the Board, pursuant to the provisions of the Alabama Administrative Procedures Act, that a licensed Contract Security Company or a person with a current license or certification from the Board has violated the Act or any rule adopted by the Board.

Author: Alabama Security Regulatory Board

Statutory Authority: Code of Ala. 1975, §34-27C-3(a)(1)

History: Adopted August 19, 2010

832-X-1-.05 Disqualifying Convictions

(1) Felony Convictions

- (a) The Board shall not issue a license or certification to any person who has been convicted of a capital crime, a felony crime of violence, or any felony offense involving moral turpitude.
- (b) Any person convicted of any other felony shall not be eligible for a license or certification from the Board within ten (10) calendar years of their most recent conviction.

(2) Misdemeanor Convictions

- (a) Any person convicted of any misdemeanor crime of violence or any misdemeanor offense involving moral turpitude shall not be eligible for a license or certification from the Board within five (5) calendar years of their most recent conviction.
- (3) The Board shall not issue a license or certification to any person who is required to register as a Sex Offender in any State.
- (4) The Board shall not issue an Armed Security Officer license or Certified Trainer 2 certification to any person who is prohibited from possessing a firearm by any section of State law or the

federal Gun Control Act of 1968 (18 U.S.C. Chapter 44), as amended.

Author: Alabama Security Regulatory Board

Statutory Authority: Code of Ala. 1975, §34-27C-3(a)(1)

History: Adopted August 19, 2010

832-X-1-.06 Qualifying Agents.

- (1) Any person designated as a Qualifying Agent must be personally licensed by the Board as a Security Officer or Armed Security Officer.
- (2) A Qualifying Agent shall be responsible for all regulated activities of the Contract Security Company they are a Qualifying Agent for.
- (3) At the discretion of the Board, a Qualifying Agent may be personally disciplined by the Board, the Qualifying Agent's certification may be suspended or revoked by the Board, and a Qualifying Agent may be referred for criminal prosecution for violations of the Act or rules adopted by the Board by Qualifying Agent or the Contract Security Company they are a Qualifying Agent for.

Author: Alabama Security Regulatory Board

Statutory Authority: Code of Ala. 1975, §34-27C-3(a)(1)

History: Adopted August 19, 2010

832-X-1-.07 Certified Trainers.

- (1) Certified Trainers.
 - (a) Designation as a Certified Trainer shall be a certification for purposes of §34-27C-4(e).
 - (b) The Board shall certify two levels of Certified Trainer; Certified Trainer 1 and Certified Trainer 2.
 1. A Certified Trainer 1 shall meet all of the qualifications specified in §34-27C-9 and shall be qualified to conduct all Board-required training except firearms training.
 2. A Certified Trainer 2 shall meet all of the qualifications of §34-27C-9; shall submit to the Board proof that the

person is certified as a Law Enforcement Firearm Instructor by the Alabama Peace Officers Standards and Training Commission, Federal Bureau of Investigation, the Federal Law Enforcement Training Center, or the National Rifle Association; and shall be qualified to conduct all Board-required training including firearms training.

3. A Certified Trainer certification expires two years from the date of issuance.

(c) Certified Trainer fees.

1. Each person submitting a Certified Trainer 1 application shall pay a nonrefundable fee of one hundred dollars (\$100.00) to the Board upon application.
2. Each person submitting a Certified Trainer 2 application shall pay a nonrefundable fee of two hundred dollars (\$200.00) to the Board upon application.

- (d) At the discretion of the Board, a Certified Trainer may be personally disciplined by the Board, the Certified Trainer's certification may be suspended or revoked by the Board, and a Certified Trainer may be referred for criminal prosecution for violations of the Act or violation of rules adopted by the Board.

Author: Alabama Security Regulatory Board

Statutory Authority: Code of Ala. 1975, §34-27C-3(a)(1)

History: Adopted August 19, 2010

832-X-1-.08 Training.

- (1) General Training Requirements.
 - (a) The Board requires that a person applying for a personal license as a Security Officer or Armed Security Officer shall have completed at least 8 hours of Board approved classroom training with a Certified Trainer prior to applying for a license from the Board.
 - (b) Any person who has less than five years of continuous experience as a Security Officer or Armed Security Officer at the time of

application to the Board shall not be subject to the eight hours of classroom training required in §34-27C-8(a) if a Certified Trainer certifies the person has received at least 8 hours of classroom training as specified in §34-27C-8(a) at any time during the applicant's current period of employment.

(2) Armed Security Officer Training Requirements.

- (a) Prior to using any firearm for any regulated service or activity, an Armed Security Officer shall have successfully completed the appropriate Board-mandated qualification course for the firearm-type to be used.
- (b) Firearms Safety Training as required by §34-27C-8(2)(c) shall include, but may not be limited to, achieving a passing score on a Board-mandated qualification course with a handgun, instruction on the use of force laws of the State of Alabama, and instruction on the safe handling and storage of firearms.
- (c) Firearms Refresher Training as required by §34-27C-8(2)(c) shall include, but may not be limited to, achieving a passing score on a Board-mandated qualification course with a handgun.
- (d) Achieving a passing score on a Board-mandated qualification course with a handgun shall be proof that an Armed Security Officer has completed two hours of Board-required Armed Security Officer training.

Author: Alabama Security Regulatory Board

Statutory Authority: Code of Ala. 1975, §34-27C-3(a)(1)

History: Adopted August 19, 2010

832-X-1-.09 Exemptions.

- (1) Any person performing any regulated work activity on less than 30 calendar days in any calendar year is exempt from the individual license requirements of the Act.

Author: Alabama Security Regulatory Board

Statutory Authority: Code of Ala. 1975, §34-27C-3(a)(1)

History: Adopted August 19, 2010